

# EXHIBIT B

# ANDERSON KILL P.C.

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By Hand Delivery

February 24, 2020

Clerk of the Court, Ruby J. Krajick  
United States District Court  
Southern District of New York  
Office of the Clerk  
500 Pearl Street  
New York, New York 10007

Re: *August Bernaerts et al. v. Islamic Republic of Iran*,  
Case No.: 1:19-cv-11865 (GBD) (SN); RE: Service

Dear Clerk of the Court, Ruby J. Krajick:

I represent the Plaintiffs in the above-referenced action.

I am writing to request you effect service on the Defendant, Islamic Republic of Iran, pursuant to 28 U.S.C. §1608(a)(4), at the following address:

Minister of Foreign Affairs  
Ministry of Foreign Affairs of the Islamic Republic of Iran  
Iman Khomeini Avenue  
Tehran, Iran  
ATTN: H.E. Mohammad Javad Zarif

Service on Iran cannot be effected under 28 U.S.C. Sections 1608(a)(1) and (2) because the United States and Iran do not have any special arrangement for service of process upon Iran in accordance with sub-section (1), nor is service permitted by any applicable international convention under the provisions of sub-section (2).<sup>1</sup> See *Valore v. Islamic Republic of Iran*, 700 F. Supp. 2d 52, 70 (D.D.C. 2010).

On January 22, 2020, Plaintiffs, through the Clerk of the Court, attempted to serve Defendant pursuant to the provision to 28 U.S.C. §1608(a)(3). Annexed hereto as **Exhibit 1**, is a copy of the certificate of mailing.

As of Monday, February 24, 2020, over thirty (30) days passed since the certificate of mailing has been issued and service had not been able to be completed

<sup>1</sup> Iran is not a signatory to the convention of the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

Anderson Kill P.C.

February 24, 2020

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under 28 U.S.C. § 1608(a)(3). Annexed hereto as **Exhibit 2**, is a true and correct copy of the USPS tracking information of the package sent by the Clerk of the Court indicating that serve has not been made. .

Accordingly please serve Defendant pursuant to 28 U.S.C. §1608(a)(4) at the following address:

U.S. Department of State  
SA-29, 4th Floor, 2201 C Street NW  
Washington, DC 20520.

Attn: Secretary of State, Director of Consular Services, Office of Policy Review and Inter-Agency Liaison (CA/OCS/PRI),

Enclosed please find copies of the following documents:

1. Summons
2. Complaint deemed filed on December 27, 2019
3. Civil Cover Sheet
4. Notice of suit prepared in accordance with 22 CF § 93.2 with a copy of 28 U.S.C. 1330
5. Affidavit of translator (along with translations of the above documents)<sup>2</sup>

In total, we are providing three complete sets of the documents, in both English and Farsi. In accordance with pages 12-13 of the Court's Foreign Mailing Instructions we are providing two sets for service on Defendant and a set of documents for the Court's file.

We have also enclosed pre-paid FedEx label and envelope for delivery to the address above. Please note that our firm FedEx account number is 628354049.

We further enclose a cashier's check in the amount of \$2,275.00 made payable to "U.S. Embassy Bern."

Should you have any questions or require any additional information please do not hesitate to contact me.

Regards,

  
Jerry S. Goldman

Enclosures

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<sup>2</sup> The affidavit of the translator comports with the requirements of NY CPLR 2101(b).

# **EXHIBIT 1**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BERNAERTS ET AL.,

Plaintiffs,

v.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

**CERTIFICATE OF MAILING**

Case No.: 19-cv-11865 (GBD) (SN)

I hereby certify under the penalties of perjury that on the 22<sup>nd</sup> day of January, 2020, I served:

Minister of Foreign Affairs

Ministry of Foreign Affairs of the Islamic Republic of Iran

Imam Khomeini Avenue

Tehran Iran

Attn: H.E. Mohammad Javad Zarif

the head of the ministry of foreign affairs, pursuant to the provisions of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1608(a)(3).

Two (2) copies of the Summons, Compliant filed December 27<sup>th</sup>, 2019, Civil Cover Sheet, Notice of Suit with copy of 28 U.S.C. 1330; (along with attached affidavit of translator and Farsi translations of the above documents), by USPS Reg. Mail no. RH002017984US

Dated: New York, New York  
January 22, 2020

RUBY J. KRAJICK  
CLERK OF COURT

/s/ Shanee Mcleod  
Deputy Clerk



RH002017984US

## USPS Customs Declaration and Dispatch No

- Print in English using blue or black ink.
- Complete all SHADeD fields before acceptance.
- See the Privacy Notice on the reverse of Copy 4.

## SHIPMENT INFORMATION (CONTINUED) — BOXED AREA IS FOR USPS USE ONLY

Full Last Name	Full First Name	MI	USPS Official Use 100115	USPS Corporate Account	EMS Scheduled Delivery Date
Business Name (if applicable)			Sender's Telephone		
Address-1			7. Sender's Email Address		
Address-2			8. Addressee's Email Address		
City	State	ZIP Code	11. Importer's Reference (if applicable and known)	12. Importer's Telephone (if applicable and known)	
ADDRESSEE'S INFORMATION			13. AES ITN (if applicable)		
Full Last Name	Full First Name	MI	14. AES Exemption — NOEEIS (Check one if applicable)		
Business Name (if applicable)			15. License Number (if applicable)		
Address-1			16. Certificate Number (if applicable)		
Address-2			17. Invoice Number (if applicable)		
City	State/Province	Country	18. Length (inches)	19. Width (inches)	20. Height (inches)
SHIPMENT INFORMATION					
1. Category of Items (Check all that apply)					
<input type="checkbox"/> Document <input type="checkbox"/> Commercial Sample <input type="checkbox"/> Merchandise <input type="checkbox"/> Dangerous Goods <input type="checkbox"/> Gift <input type="checkbox"/> Returned Goods <input type="checkbox"/> Humanitarian Donation <input type="checkbox"/> Other					
2. Detailed Description of Contents (Enter only one item per line)					
3. Quantity		4. Net Weight (Ea)	5. Value (Ea)	For Business Mailers, for items in Block 2 (if the information is known)	
		Lbs.	Oz.	24. HS Tariff Number	
				25. Country of Origin	
6. Total					

I certify the particulars given in this customs declaration are correct. This package does not contain any undeclared dangerous items, or items prohibited by legislation or by postal or customs regulations. I have met all applicable export filing requirements under federal law and regulations.

PS Form 2976-R, April 2016 PSN 7530-17-000-7992

IMPORTANT: This package may be opened officially.

4 — Sender's Copy

Date Stamp 11/04 15											
Registered No. RH002017984US											
<table border="1"> <tr> <td>Postage \$ 34.75</td> <td>Extra Services &amp; Fees (continued) <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Restricted Mail \$ 0.00</td> </tr> <tr> <td>Extra Services &amp; Fees <input type="checkbox"/> Registered Mail \$ 0.00</td> <td><input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Restricted Delivery \$ 4.10</td> </tr> <tr> <td>Return Receipt \$ 0.10 (Electronic) \$ 0.00</td> <td><input type="checkbox"/> Restricted Delivery \$ 0.10</td> </tr> <tr> <td>Customer Must Declare Full Value \$ 0.00</td> <td>Total Postage &amp; Fees \$ 34.85</td> </tr> <tr> <td colspan="2">Domestic Insurance up to \$50,000 is included based upon the declared value. International Insurance is limited. (See Reverse.)</td> </tr> </table>		Postage \$ 34.75	Extra Services & Fees (continued) <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Restricted Mail \$ 0.00	Extra Services & Fees <input type="checkbox"/> Registered Mail \$ 0.00	<input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Restricted Delivery \$ 4.10	Return Receipt \$ 0.10 (Electronic) \$ 0.00	<input type="checkbox"/> Restricted Delivery \$ 0.10	Customer Must Declare Full Value \$ 0.00	Total Postage & Fees \$ 34.85	Domestic Insurance up to \$50,000 is included based upon the declared value. International Insurance is limited. (See Reverse.)	
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Customer Must Declare Full Value \$ 0.00	Total Postage & Fees \$ 34.85										
Domestic Insurance up to \$50,000 is included based upon the declared value. International Insurance is limited. (See Reverse.)											
<p>FROM ANDERSON KILL PC 1251 AVENUE OF THE AMERICAS NEW YORK, NY 10020</p> <p>TO MINISTER OF FOREIGN AFFAIRS MINISTRY OF FOREIGN AFFAIRS OF IRAN IMAN KHOMINI AVENUE ATT: MOHAMMED JAVAD ZARIF TEHRAN, IRAN</p> <p>3806, Registered Mail Receipt Copy 1 - Customer (See Information on Reverse) PS Form 2015, PSN 7530-02-000-9051 For domestic delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a></p>											
<p>To Be Completed By Customer (Please Print) To Be Completed By Post Office By Post Office To Be Completed By Carrier All Entries Must Be in Ballpoint or Type (Please Print)</p> <p>19/11/89</p>											

# **EXHIBIT 2**

# USPS Tracking®

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**Track Packages  
Anytime, Anywhere**

Get the free Informed Delivery® feature to receive  
automated notifications on your packages

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<https://reg.usps.com/xsell?app=UspsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com%2Fbox%2Fpages%2Fintro%2Fstart.action>

**Tracking Number:** RH002017984US

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## Not Trackable

USPS Tracking® is unavailable for this product for IRAN ISLAMIC REPUBLIC OF.

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